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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,326	07/31/2001	Robert W. Torres	41250/WPC/P526	3726

23363 7590 07/29/2005

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This Office Action is in response to applicant's appeal brief filed on May 16, 2005.
2. NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 41.37(c)
3. The brief does not contain a statement of the status of all the claims, e.g., rejected, allowed or confirmed, withdrawn, objected to, or canceled, and identification of the claims being appealed as required by 37 CFR 41.37(c)(1)(iii). The applicant fails to provide the status of all the claims. The brief only present the status of the current pending claims.
4. The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters; and/or does not identify the structure, material, or acts described in the specification as corresponding to each claimed function for every means plus function and step plus function for each independent claim involved in the appeal and for each dependent claim argued separately by reference to the specification by page and line number, and to the drawing, if any, by reference characters, as required by 37 CFR 41.37(c)(1)(v).

First, the applicant uses the incorrect label of this section. The applicant should use the label "Summary of the claimed subject matter" instead of "Summary of the invention". Second, the applicant fails to discuss each independent claim involved in the appeal.

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5. The brief does not contain a concise statement of each ground of rejection presented for review as required by 37 CFR 41.37(c)(1)(vi).

According to the new appeal rules, the use of the parts "Issues" and "Grouping of Claims" is not required. The applicant is required to provide instead a "Grounds of Rejection" section with a concise statement of each ground of rejection.

6. The brief does not contain arguments of the appellant with respect to each ground of rejection presented for review, and the basis therefor, with citations of the statutes, regulations, authorities, and parts of the record relied on as required by 37 CFR 41.37(c)(1)(vii).

Each ground of rejection must be treated under a separate heading. For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group. Any claim argued separately should be placed under a subheading identifying the claim by number. A statement, which merely points out what a claim recites, will not be considered an argument for separate patentability of the claim. See 37 CFR 41.37(c)(1)(vii).

7. The applicant fails to provide sections "Evidence appendix" and "Related proceedings appendix".
8. Appellant is required to comply with provisions of 37 CFR 41.37(c). To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 41.37(c) within ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication. Extensions of time may be granted under 37 CFR 1.136.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7049.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.C.

Carlos Lugo
AU 3676

July 18, 2005


BRIAN E. GLESSNER
PRIMARY EXAMINER